IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.560 OF 2006

The Greater Bombay Cooperative Bank Ltd ..Petitioner

versus

M/s Vinayak Plastopack Pvt.Ltd ..Respondents
& ors

Mr.Prashant Naik for Petitioner

Mr.Kishore Jain i/b Mr.Chotani for Respondent nos. 1 to 3.

Mr.R.M.Patne, Assistant Government Pleader for respondent nos. 6 and 7.

CORAM : D.G.KARNIK, J

DATED : 1st March, 2006

P.C.

1. Rule. By consent, rule is made returnable forthwith. Mr.Kishore Jain for respondent nos. 1 to 3 waives service. Mr.R.M.Patne Assistant Government Pleader waives service for respondent nos. 6 and 7. Issuance of rule to respondent nos. 4 and 5 is dispensed with because respondent nos. 4 and 5 had not filed the review application and the impugned order was not passed at their instance.

2. Learned counsel for the appearing parties state that the facts in this case are identical with the facts in Writ Petition No.559 of 2006

except difference in some amounts and dates and the points involved are also identical. Hence, for reasons recorded in the order passed today in Writ Petition No. 559 of 2006, this Writ Petition is allowed. Rule is made absolute in terms of prayer clauses (a) and (b). It is however, ordered that the petitioner shall not execute the recovery certificate for a period of six weeks from today subject to the condition that the respondent nos. 1 to 3 shall file an affidavit in this Court within a period of one week that they shall not sell, transfer, alienate or dispose of any of their properties.

(D.G.KARNIK, J)

rng.